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ART. IV. — *Proclamations of His Excellency Sir Charles Theophilus Metcalfe, Baronet, K. C. B., for dissolving the Provincial Parliament of Canada, and for the Election of a House of Assembly for that Colony.* Canada Gazette Extraordinary, Sept. 23, 1844.

ALTHOUGH we seldom turn our attention to the affairs of our Colonial neighbours, we still regard an occasional allusion to them as within the line of our duty. The United States, being the ruling power in this hemisphere, cannot but feel a deep interest in the political condition of all who inhabit the same continent, especially of those who are still in allegiance to the crown to which we once acknowledged fealty. Beside the tie of common British origin, there exists between many of the people of the Colonies north and east of us, and many of our own citizens, the bond of kindred blood. The causes of this affinity were briefly noticed at the close of an article on the Loyalists of our Revolution, in our last number. In considering now the political discontents of the inhabitants of British America, we shall have some occasion to refer to this class of our countrymen again; since they and their descendants are intimately concerned in these discontents, and in the public affairs of the British possessions in America, generally. Leaving them, however, and the French and English races who people these possessions, for the present, we propose first to consider somewhat in detail the disputes to which they and their rulers in the Old World are parties, and which have long disturbed the relations between England and her Colonies. Our remarks will be confined to Canada, Nova Scotia, and New Brunswick; and as these disputes commenced in the Colony first named, and still are far the most serious there in character, they claim our first notice.

It may be said at the outset, that Great Britain has hardly had a moment's quiet with this possession since the day when Wolfe rose from a sick-bed to "die happy" in planting her flag on the walls of Quebec. To ascertain the reasons for the existing state of things, therefore, it may be necessary to trace the course of events ever since the treaty of Paris, in 1763, by which England annexed this province to her American dominions. After the conquest, and before the

cession, there arose an exciting controversy among some of the leading statesmen of the time, whether it should be retained or restored to France, and the island of Guadaloupe be added to the British dominions in its stead. There seems to have been a prevalent fear, that, if Canada were kept, the Colonies, rid of all apprehensions from the French, would increase at an alarming rate, *and finally throw off their dependence on the mother country. A tract was published in support of this view, supposed to have been written either by Edmund or William Burke, to which Dr. Franklin replied in his happiest and ablest manner.* Nor did the dispute end here; for the charge was openly made, that the treaty of peace which restored to France Bellisle, Goree, Guadaloupe, St. Lucia, Martinique, and Havana, which guarantied to her people the use of the Newfoundland fisheries, and which retained an acquisition of so doubtful value as Canada, was the result of corrupt bargaining; and Junius, in his celebrated letter to the Duke of Bedford, who negotiated the treaty, openly accuses him of having received bribes.

The Colony was now placed under a military government, though the king, by proclamation, announced his intention of granting, as soon as circumstances would permit, a legislative assembly. That this promise was not redeemed for twenty-eight years was at once an error of policy, and a breach of the royal faith. For four years, officers of the army were both governors and judges; and for a considerable period afterwards, orders in council were the only checks on their will, and the only protection thrown around the Canadian's rights. In 1774, it was deemed expedient by the ministry to pay some attention to the abuses that had grown up, and to introduce into parliament a bill designed ostensibly to correct them. This bill provided for the restoration of the *Customs of Paris* in regard to the transmission of property, for the introduction of the English criminal law and the trial by jury, and it lodged the legislative and executive power in a governor and council; but as it contained no provision for an assembly, it gave great dissatisfaction to the British emigrants who had settled in Can-

* Mr. Sparks says, that this reply "was believed to have had great weight in the ministerial councils, and to have been mainly instrumental in causing Canada to be held at the peace."

ada in the hope of enjoying the same privileges as the subjects of the mother country.

As the passage of this bill is one of the twenty-six grievances enumerated by our fathers in the Declaration of Independence, it may be worth further notice. In the Lords, the measure seems to have encountered no very formidable opposition ; but in the Commons, it produced a most angry debate. Several witnesses were examined at the bar, among whom were the governor, the chief justice, and the former attorney-general of Canada, the advocate-general, and a Canadian gentleman. In the testimony and opinions of these dignitaries there was little harmony. The governor declared, that the Canadians disapproved of the trial by jury, because they thought it “ very extraordinary, that English gentlemen should believe their property safer, in the hands of tailors, shoemakers, and people in trade, than in those of the judges ” ; he said, they disapproved of the introduction of English civil law, because “ they do not know what it is ” ; and that they desired no assembly, on account of the disputes which they saw prevailing between the crown and the representative bodies of the other Colonies. On this latter point, the chief justice was of the same opinion ; for, as he pithily said, their only idea of an assembly was “ that of a house of riot and confusion, which meets only to impede public business, and to distress the crown.” Very different were the sentiments of the French noble, who believed that his conquered countrymen were very desirous of having an assembly, but had refrained from making their wishes known, because they understood that they would be compelled to bear the expense which its introduction would cause ; and such a burden they were unable to endure. With regard to their preference for the English or French code of law, he was of opinion, that the former would be unobjectionable, if the tenures of land were allowed to remain unaltered. Upon the point of descents, dower, and transfer of lands, the former Colonial attorney-general expressed the same views ; and he was convinced also, that, in other respects, the people would be satisfied with the abolition of the system which had been established by France.

The speeches which preceded and followed this examination were printed, and they show the warmth of the debate.

Opposed to the bill were Dunning, who declared upon his conscience, that he thought it "destructive of every principle of freedom, and abounding with mischief of a most serious tendency"; Barré, who said it was "the most flagrant attack on the constitution, that had hitherto been attempted"; and Townshend, who affirmed, that it "established a despotic government." "Little did I think," continued he, "that a country as large as half of Europe, and now within the dominions of the crown of Great Britain, was going to have the Romish religion established in it as the religion of the state. Little did I think, that so many thousand men, entitled by birth to the rights of Englishmen, settling on the faith of the king's proclamation, should, contrary to that assurance, contrary to every idea of the constitution, be subjected to French Papists and French laws, in a country where, for full twelve years, nothing has prevailed but anarchy and confusion."

In defence of the bill appeared Lord North, Attorney-General Thurlow, and Solicitor-General Wedderburn. They affirmed, that English laws, however much prized in England, "would be the greatest curse imaginable to the Canadians." But the minister, being sorely pressed, at last disavowed all knowledge of the paternity of the bill. "I know not," said he, "who drew it up"; all he did know about it was, "that it is a bill from the other House"; but, said he, "all circumstances considered, I think the bill is the best that can at present be devised." Should we *guess* what these "circumstances" were, we might say, that his Lordship knew he had already quite as many Colonial assemblies to deal with as was for his comfort, or as he could well manage; and that he wished for no more to quarrel with "at present,"

In America, the "Quebec Act" caused the most profound sensation. On turning to the doings of the Congress of the thirteen Colonies, we find that a committee was directed to prepare an address "to the inhabitants of the province of Quebec"; and the form which they reported, having been debated by paragraphs, was adopted, and ordered to be translated, printed, and distributed. This address embodied many of the objections which had been urged in parliament, and concluded with an eloquent appeal to the Canadians to unite with their American brethren, and thus to gain the influence of the whole people of the conti-

nent in their behalf. In a petition to the king, which immediately followed, this act is enumerated among the injuries of which they complain. Of those who assented to both of these papers were Deane of Connecticut, whose political prospects closed in sorrow and dishonor, and Galloway of Pennsylvania, who abandoned the Whigs and became a most virulent and influential Loyalist. Congress followed up its protest of 1774, and, in the memorable document which declared the British empire dismembered, gave utterance to its indignation at the treatment of the Canadians in no measured words.

The form of government established by this obnoxious Quebec Act continued until the year 1791, when Mr. Pitt devised and carried through parliament, in opposition to Fox and the other British Whigs, a plan which, with some modifications, is in operation at the present time, not only in Canada, but throughout British America. The scheme provided for a House of Assembly, elected by freeholders and leaseholders, for four years ; a Legislative Council, appointed by the king, for life ; and an Executive or Privy Council, the members of which, as well as the lieutenant-governor, were to be appointed by the crown ; — thus imitating the three estates of the British constitution. Full power was given to raise, control, and expend all taxes and duties, and to pass such laws as might be deemed expedient, and not contrary to the acts of parliament ; subject, however, to the royal *veto*. Under this system, the practice has grown up of allowing the judges who were actually performing judicial duties to hold seats also in both the legislative and executive councils. Another object of Mr. Pitt was to divide the province into two parts, giving them the names of Upper and Lower Canada, which they retained until the late reunion. Of the wisdom of this division, and of the reasons assigned for it, we shall speak in another place.

It will be seen at a glance, that, by this system, the power of the crown controls the popular will as expressed in the House of Assembly, and can defeat any measure in two ways ; first, by the negative of the Legislative Council, and secondly, by the royal dissent directly expressed. Still, tolerable harmony appears to have prevailed between the different branches of government for a number of years. The first dispute which our limited space will allow us to

mention occurred before the war of 1812, when the Assembly demanded that the judges should be required to vacate their seats as legislators, and to confine their attention to their judicial duties. This demand, and the offer to defray the expenses of the civil administration from means to be provided by the Colony, met with no favor, but, after a sharp contest of some duration, the governor dissolved the body which had brought up the dispute. This was the germ of the difficulties which now prevail, though the removal of Sir James Craig from the administration of affairs, the appointment of the more popular Sir George Prevost, and the rupture with the United States, hushed for a while the clamors of the discontented. At the peace, however, when Prevost relinquished the executive chair to Sir George Gordon Drummond, a second quarrel arose between the judges and a new Assembly, and two of the occupants of the bench were impeached. Drummond was succeeded, in 1816, by Sir John C. Sherbrooke, under whose rule there was a period of quiet. On his retirement, his successor, the Duke of Richmond, by abandoning the practice of submitting to the Assembly an estimate in detail of the sums required to be voted for each branch of the public service, and adopting instead the plan of naming *aggregates* only, added another element of discord to those previously existing. The refusal of the Assembly to appropriate money in this way and "by chapters," and the passing of the supply bill in the usual form, produced an angry and protracted controversy. The Legislative Council, in this affair, as in the matter of the judges, took sides with the representative of the crown, and withheld their assent to the bill; whereupon the governor obtained the money he had applied for by drawing upon the receiver-general. After the death of the Duke of Richmond, the Earl of Dalhousie was transferred from Nova Scotia to Canada, where he renewed the dispute as to appropriations, by determining the sum that would probably be wanted, and soliciting a grant of it for a term of years to come. The popular body refused to comply, and passed the bill of supplies in the usual form, specifying the precise objects to which the money voted should be applied. The Legislative Council again interposed their negative, and the Earl, like his predecessor, had recourse to the receiver-general; but going a step further, he drew for a sum larger than

he had mentioned in his estimate. This occurred in 1820, in which year we may place the origin of well marked party organizations for and against the colonial administration.

We next find the Assembly contesting with Dalhousie the right of servants of the crown to designate in any manner the purposes to which the revenue should be applied, and bitterly complaining of its alleged unlawful and inexpedient expenditure. As Sir John Caldwell, the officer who had paid the drafts of the two governors in the cases mentioned, had become insolvent and could not restore a large sum of the public money, the Liberals gained a considerable accession to their party. In 1825, Dalhousie was absent from the Colony, and Sir Francis Burton, who was called *ad interim* to administer its affairs, made such large concessions to the popular demands, as to induce the Assembly to claim the disposal of *all* revenues, from whatever sources derived, and to determine that the executive branch should have no future control over them. The dispute hitherto had related to such portions of the public funds as were raised by taxation, and to the manner of expending what Mr. Huskisson called the "permanent" revenue, obtained by duties levied in place of those imposed under the French rule, and uniformly applied to the payment of the judiciary and the expenses of the civil list. It had not embraced another part, called the "casual" revenue, accruing from fines, penalties, and forfeitures, and from the sales of land and timber. Consequently, this bold push for the whole fiscal power excited an interest in Canadian politics never before manifested, and attracted the serious attention of the ministry. Down to this period, so far as we understand this vexed and intricate question, the crown had never sought to control the disbursement of Colonial taxes, nor to divert the "permanent" revenue from the objects for which it was first set apart; but it did claim entire control over the "casual" receipts, as "lord paramount." In respect to the permanent income, the crown, indeed, so far from desiring to divert it from its proper uses, seems to have wished to retain the right of designating the heads of its expenditure, mainly, if not entirely, in order to insure its being appropriated to these uses; and to have resisted the claims of the Assembly, from the apprehension, that the salaries of the judges, and of the other officers de-

pendent upon it, would neither be adequate nor permanent, if these claims were granted.

Passing over intermediate events, we come to the transactions of the year 1827, when the offer was made by the home government to surrender to the Colonists the required management of the disputed revenue, on provision being made for a stipulated civil list. That this long contested matter would have been adjusted at this juncture and on these terms appears quite probable, but for the act of Lord Dalhousie in disapproving of the election of Mr. Papineau to the speaker's chair of the Assembly. The popularity of this gentleman was unbounded, and the Liberals, enraged beyond what such a circumstance warranted, gave vent to their feelings in the most exciting appeals to the multitude. Lord Dalhousie's administration closed without the usual session of the two legislative bodies, and amid the denunciations of many to whom his general conduct had been very obnoxious.

His successor, Sir James Kempt, who assumed the direction of Canadian affairs in 1828, desirous of hushing the storm, invited Papineau, as well as Neilson, another leader of the Liberals, to take seats in his Executive Council, and, pursuant to his instructions, gave assurances that the graver points of difference should be satisfactorily disposed of on the meeting of parliament. This promise was not fulfilled during Sir James's stay, in consequence of the decease of the king, George the Fourth; but Lord Aylmer, on taking his place, renewed the pledge, and, as the Liberals suppose or affirm, without conditions. But when he came to make known precisely the concessions of the ministry, and to require the settlement of a plan for the payment of the civil officers before the revenue in dispute was released, and to state, moreover, that the crown still proposed to retain the "casual" branch of the Colonial receipts, the quarrel, which had apparently come to a termination, was opened anew; and the Assembly, so far from evincing a disposition to concede any thing for the sake of restoring harmony, emphatically declared, that "under no circumstances, and upon no consideration whatever, would they abandon or compromise their claim to control the *whole* public revenue." Not long after, in 1831, the home government gave way. A bill which conceded the great points at issue passed both houses

of parliament, and received the royal assent ; but as Lord Aylmer was again instructed to ask for permanent provision for the judges and some other officers, new difficulties arose between the Assembly and the ministry, which our limits compel us to pass over without attention, except to say, that in the end the breach became as wide as ever.

Encouraged, it may be, by the advantages they had gained in this long and wearisome dispute about the finances, the Liberals now commenced an attack upon the Legislative Council. This body, composed principally of gentlemen who held other public stations, had become extremely obnoxious. To exclude from it all the judges, the chief justice excepted, had been one great object of the Liberals during the conflict which we have just noticed. The Assembly now boldly demanded the abolition of that branch as constituted under Mr. Pitt's act of 1791, and its election by the freeholders and leaseholders of a given description. In other words, they required, that this branch of the government should become as independent of the crown and of official influence as the Assembly itself. To this demand the ministry gave a flat refusal ; and well they might, since it struck at the very foundation of the Colonial system. So far, indeed, from conceding any thing, it was intimated, in reply, that parliament might be compelled to exercise its "supreme authority," and to terminate all further dissensions by taking away some of the privileges already enjoyed. The Assembly now seemed to lose temper altogether. A long list of new grievances was prepared, many of the old ones were declared to be unredressed, the bill of supplies was rejected, the conduct of Lord Aylmer was severely reprobated and his recall demanded, and the claim for an elective Legislative Council renewed, in the most determined tone. Affairs had now come to a crisis. In nine sessions of the colonial parliament, the Legislative Council had rejected altogether one hundred and twenty-two bills passed by the Assembly, and had so amended forty-seven more, that the popular body would not accept them. The reconstruction of that branch on an elective basis had now become a fixed purpose on one side, while, on the other, the home government as resolutely determined, that the Council should stand as it was, not only in Lower Canada, but throughout British America. The Assembly, in the course of the difficulties which had

arisen with regard to the sale and settlement of the public lands, had gradually advanced their pretensions, so that they now claimed the entire control over this property ; and the disputes as to the payment of the judges' stipends and their holding seats in the Council had given rise to the demand, that the judiciary should be made responsible to the colonial legislature, and not to the crown.

Such was the condition of things, when a change of administration took place, and Sir Robert Peel was made prime minister in place of Lord Melbourne. He determined to redress every *actual* wrong, and to appoint a commissioner to proceed to Canada, there to examine and decide upon the complaints which had been so pertinaciously urged upon the former ministry. As to the questions which we have already considered, the new minister expressed his willingness to surrender the "casual" revenue, on condition that the Assembly would provide a civil list for seven years ; but he declined to yield to that body the required management of the crown lands, or to reconstruct the Legislative Council. Before Sir Robert's plans were executed, another change occurred, which brought Lord Melbourne again into power ; but the scheme of a commission was carried out. Three distinguished gentlemen, charged with the important duty of restoring the alienated affections of the Canadians, and with the still more difficult task of quieting their leaders, were despatched under instructions to inquire into all causes of complaint, but not to adjust them. Lord Gosford, who was at the head of this commission, had the additional appointment of governor, as successor to Lord Aylmer. Though the overture for the settlement of the controversy about the revenue was renewed very nearly on the plan of Sir Robert Peel, and though the Assembly were to be allowed to expend the proceeds of the public lands, instead of admitting their pretensions to dispose of the lands themselves, still, as the most prominent matter was the reconstruction of the Legislative Council, and nothing was proposed to the Liberals in this particular, the attempt at reconciliation was a complete failure. Lord Gosford personally became very odious to men of all parties ; first, to the Conservatives, by his extreme intimacy with the Liberals, and afterwards to the latter party, on account of alleged deception in giving them hope that concessions would be made respecting the constitution

of the Council. The Assembly, in fact, refused to grant the necessary supplies for the support of the government, and showed, by other movements, that they were looking to less peaceable means of accomplishing their desires. The year 1836 was a memorable period in Canadian politics; and having now traced in outline the affairs of the Lower Colony down to the time when the interposition of parliament was deemed necessary by both the great parties in England, we pass to a moment's consideration of the disturbances in Upper Canada.

The *expression* of discontent in this Colony is of very recent origin. Many causes of complaint had been supposed to exist for a considerable time, and persons had not been wanting to oppose the administration of affairs. Alleged abuses in the grants of land were among the earliest sources of irritation. The home government gave, however, satisfactory assurances of correcting whatever was amiss, and the subject ceased to be agitated by those who sought redress, and nothing more. Nor was it until 1834, when a new Assembly was chosen, that the Liberals found themselves able to commence an organized opposition to the servants of the crown. Having, by this election, secured a majority in the popular branch, they assumed, as it were in a moment, the extreme pretensions which had been slowly brought forward in the sister Colony for some fifteen years. There was no department of the public service which they did not charge with insufferable corruption, no rule of public policy which they did not declare injurious, or open to condemnation. Nor was this all; since a wish to secede from the mother country was hardly denied, or concealed under a decent veil. To pass from a state of tolerable unanimity and satisfaction to loud murmurs and open rebellion was scarcely the work of a year. In the hope of allaying the excitement, the ministry resolved upon a change of the governor, and Sir Francis Bond Head accordingly succeeded Sir John Colbourne, in 1836. Sir Francis, whatever may have been his reputation as a writer, or his merits as a soldier, was no politician. With the ministry then in power he had had no connection, and had never so much as seen the Colonial secretary. He had not even connected himself with any political party, or voted at an election. Great was his own surprise at receiving the appointment; nor was his wonder lessened,

when, transferred to the scene of commotion, he saw large handbills displayed, which announced the arrival of "Sir Francis Head, a *tried Reformer*." Difficulties soon beset him on every side. Among the subjects agitated before his arrival had been that of an elective Legislative Council, and when he made known the fact, that his instructions allowed of no concessions in this particular, he caused a rupture between Lord Gosford and the Liberals of Lower Canada; and having resisted the claims of his own Executive Council to act upon their recommendation and advice in the measures of his administration, he excited the indignation of that party against himself, and gave them occasion for recommencing the opposition which they had maintained against his predecessor. After his executive councillors had retired, the refusal of the Assembly to vote the usual money bills, and the drawing up of addresses to the House of Commons and the throne, followed, in imitation of the other Colony, almost as a matter of course. But Sir Francis, unlike Lord Gosford in Lower Canada, had preserved the confidence of the Conservatives, and addresses signed by upwards of twenty-eight thousand persons were transmitted to him. As a means of testing the real feelings of the Colonists, he determined to call a new Assembly. The election resulted favorably for his hopes, and the Liberals, besides losing some of their most influential members and best speakers, found themselves in a minority. Enraged beyond measure at the loss of their control of the popular branch, and unable thereby to carry out their plans of coöperation with their brethren elsewhere, in maturing further projects of legislative opposition, they fulminated charges of the grossest fraud and iniquity against their opponents, and directly accused Sir Francis himself of participation in the corrupt practices that had destroyed the effect of their appeals to the people. Indications that the royal authority would soon be disputed in the field became frequent and alarming, and attracted serious attention everywhere. The ministry, painful as was the necessity, felt compelled to increase the military force in the Canadas, and to look to parliament — irrespectively of party, were the thing possible — for its calm judgment and united wisdom. The desired aid was afforded by the Conservatives, and the measures proposed by their opponents in power were sustained; but the death of King William occurred before these meas-

ures could be carried into effect, and they were postponed, rather than involve the illustrious lady who now occupies the throne in a conflict with her subjects at the commencement of her reign.

But information reached the Canadas in due time, that measures of coercion had been postponed on account of the demise of the crown, and not from any unwillingness on the part of government to employ them. Then the popular ferment could no longer be restrained. The events which occurred at the close of 1837, and during a part of 1838, are too fresh in the recollection of our readers to require consideration here. The attempt to seize upon Toronto, the capital of the Upper Colony, the affairs at St. Denis, St. Charles, Bois Blanc, Pointe au Pelée, and other places of hostile meeting, showed how very slight was the hold of the Liberals upon the mass of the people ; upon what slender resources they had ventured into an open warfare with a mighty power ; and how miserably deficient they were, not only in military talent, but in confidence in each other. The horrors of St. Eustache afforded melancholy proof, — of what, indeed, human history is full of, — that, when brother fights brother, no barbarities seem too great to be practised ; since females were outraged, the insurgents were needlessly slain, the unresisting were pillaged and murdered, and the bodies of the dead were suffered to lie unburied and exposed to every insult. Nor did the attempt to set up a provisional government at Navy Island, and to retrieve their fortunes by accessions from the United States, aided as they were by the universal and entirely justifiable indignation of the American people for the destruction of the *Caroline*, show that the reliance of the Liberals upon foreign aid had any other basis than idle hopes and conjectures.

Of the fallen we would always speak in pity, — of the guilty, in mercy ; but we cannot excuse men of talents and education, of political experience and knowledge of the world, who send others of far humbler pretensions, in their place, to the scaffold. Leaders who place halters round the necks of the led are bound to show the justice of their cause, and reasonable expectations of success. The Liberals, as it seems to us, had neither. We enjoy some opportunities for observing the operation and tendencies of the Colonial system, and yield to none in hearty detestation of it. A

system less calculated to perfect the human character, to develop the resources of a country, to facilitate internal intercourse, to educate children, to insure responsibility in persons clothed with authority, as we conceive, can hardly be devised. But the blows dealt to it at Lexington and Yorktown made it harmless for all purposes of oppression; and no case has occurred, as we believe, since the thirteen Colonies broke its bonds, to justify an attempt to overthrow it by violence and bloodshed. It exists in New Brunswick and Nova Scotia, as well as in the Canadas; and in the questions of revenue, the Legislative Council, and the expulsion of judges from a participation in political concerns, the people of these Colonies are as deeply interested as those who attempted a revolution, without the means, preparation, courage, or skill, necessary to insure victory on a single battleground. Why, then, has there been comparative quiet in the Colonies first named, and recourse to arms in the others? Nay, more, why did the great body of the Canadians themselves refuse to coöperate with those who proposed to set them free? The only answer to these questions places on the heads of a few persons a fearful responsibility.

The attempt of the Liberals to liken their situation, and the objects for which they contended, to those of the Whigs of our Revolution was absurd in the extreme. Their affectation of adopting the general sentiments of the Declaration of Independence, and the incorporation of large portions of it into their manifesto of wrongs, might excite a smile, but for the sad fate of many whom so stirring an array of grievances misled; while the erection of "liberty poles," the organization of a band called the "Sons of Liberty," and the resolves to stop the consumption of British manufactures, as well as the persecution of neutrals and confessed opponents, were but parts of the machinery contrived to operate upon the public mind and spread needless discontent, however closely copied from the doings of the Whigs of 1776.

By the celebrated Declaratory Act of 1778, the mother country renounced the right to tax her Colonies, so that the "revenue" question in Canada was merely one of expending, not of levying, taxes. The question respecting the "mandamus counsellors," in the leading northern Colony of the "old thirteen," arose because the elective right by charter had been infringed; but in the case before us, the struggle

was for a privilege never enjoyed; and the same is also true of the matter of "salaries." But prior to any of these, and overtopping them all in the dismembered Colonies, were subjects which did not enter into the Canadian disputes in any shape or form whatever. We allude to the efforts to confine Colonial enterprises upon the sea to dealing with possessions of the crown, to stint the growth of Colonial commerce and navigation, and to prevent the Colonists from manufacturing their own raw materials into articles of pressing necessity. Exactly the reverse, in these respects, had become the well settled policy, with regard to the present possessions of Great Britain in America, years before the period of which we are speaking. Between the persons who were prominent in the events of 1776, and those who rebelled in 1837, we institute no comparison; our readers must do that for themselves.

The insurrection suppressed, its plotters fallen under the hands of the executioner, confined within the walls of prisons, or fled to other lands, Lord Durham was solicited to undertake the almost hopeless task of reconciling the differences which had produced the revolt. He refused the application of the ministry, at first, it is said, and consented at last only upon the personal request of his sovereign. Refusing, too, we think, all pecuniary compensation, he undertook the mission. His outfit was on a scale of royal magnificence, and his powers as great as royalty ever confers upon a subject. He erred upon a single point, recrossed the ocean with a broken spirit, was pursued with a malignity unknown save in party strife, and was soon carried to the tomb of his fathers. Among British statesmen he had occupied the first rank. Like most men of noble nature, he was proud and sensitive, and could not brook dishonorable imputation, or hold official station, after those, who were bound at least to remember the motives which induced him to undertake a service in which all who preceded him had failed, refused to sustain him. The charge has been made, that he abandoned his post in indecorous and abrupt haste, and threw down his high trust in bad temper. Possibly it was so; still, we honor the feelings which prompted the act.

The offence for which Lord Durham was rebuked consisted in the decree of banishment against Papineau and some of his associates who had fled, and against Wolfred Neilson,

Bouchette, and others, without trial, but on confession of guilt, to the Bermudas, which were not within his jurisdiction, under penalty of death for return without official permission. For the disposal of those in custody three courses were open; to try them, to release them, or, as was done, to send them away. To have taken the first course would have been to insure their conviction and death; to have released them would have been undue leniency; and the middle course, which was adopted, was open to the objection of technical illegality. There was, indeed, a fourth way, that of commutation of punishment after the tribunals had decided upon their guilt. But his Lordship's great purpose was to heal animosities, to restore quiet to the public mind, and to enable the people to resume their accustomed employments; and who could have answered for the public tranquillity, during the period between the arraignment and the pardon of the guilty, under the irritated state of feeling which then existed among the discomfited and desperate revolutionists? Lord Durham's fault, therefore, was that of mercy.

When tidings of the disallowance of his ordinance reached him, Lord Durham was on the point of introducing several changes which promised well, both because they would have effected immense reforms when carried out, and because, when promulgated, the disaffected would have seen, that the long wished-for work of redress had actually been commenced on a bold and comprehensive plan. These measures were the granting of free municipal institutions; a scheme for general education; a simple and cheap system for the registry of titles of landed property; and a commutation of the feudal tenure of estates in Montreal. And these were but an earnest of other measures, which he designed should follow; among which were plans for works of internal improvement, for extending commercial enterprises, for insuring a competent administration of justice, and, generally, for eradicating the manifold abuses which had grown up by neglect, or had been fostered during a long period of civil commotion.

We pass to a rapid notice of subsequent events, and to the administrations of Lord Sydenham, Sir Charles Bagot, and Sir Charles Metcalfe, the present governor-general of British America. In 1840, the two Canadas were united; since which time the Upper Colony has been known as Can-

ada West, and the Lower as Canada East. Under this union, the Executive or Privy Council consists of eleven members, who compose the cabinet; the Legislative Council, or upper legislative branch, has thirty-two members; and the Assembly has eighty-four, or forty-two from each division of the Colony. The Assembly only is elective, the two Councils being appointed by the same authority as before. The construction of the Assembly is unsatisfactory, because a minority of the electors choose a majority of its members. It has been alleged, that, in the House dissolved by Sir Charles Metcalfe in the proclamation named at the head of this article, several persons obtained seats from very populous counties by the instrumentality of bodies of hired and armed men. Whatever may be the truth of this charge, it formed a subject of inquiry in the Assembly, at its first session; but a bill designed to facilitate the investigation, which passed that branch, was thrown out by the Legislative Council.

Omitting further mention of the proceedings of 1841, when parties merely marshalled their forces for assault and defence under the new state of things, we come to the session of 1842, at the opening of which an answer to the governor's speech was a topic of warm discussion for thirteen days. To the form of answer presented by his Excellency's friends the opposition introduced an amendment, declaring, that the popular sentiment required a change of advisers. The result was the reconstruction of the Executive Council, and a new distribution of executive favor and patronage. Among the gentlemen who now received offices were several who had been actively engaged in the insurrection. Of this description were Mr. Girouard, who was imprisoned for his offences at that period, and Mr. Lafontaine, for whose apprehension a high reward was offered. The latter, as well as Mr. Baldwin, another steady Liberal, was made a member of the cabinet. The Executive Council, as remodelled, comprised six of the former members, and five new ones.

A new era in the administration of Canadian affairs was thus commenced. The presence of such men as Lafontaine and Baldwin in the courts of law as attorney-generals of the crown, and in the Privy Council as advisers of the governor-general, evinced a great change of feeling on both sides. A "responsible government" had been the last demand of

Colonial importunity, and here it was actually organized, and expected to heal the political diseases of half a century.

As the term "responsible government" may need some explanation, we will endeavour to give an idea of what is meant by it, though it is so vague and shadowy that we may not succeed. It seems, then, to be a term invented to embody *all* Colonial desires in a single word. Its advocates claim, that the public functionaries who hold office under the crown shall be "responsible" to the people; in other words, that, whenever the popular sentiment shall demand certain appointments, or certain removals, they shall be made; and that this sentiment, as expressed by members of the Executive Council, or the elective branch of the government, shall determine the course of conduct on the part of the queen's immediate representatives. How this rule can be adopted in colonies, we do not well see; for the plan, if carried out, we conceive, would make the will of the people, or that of their delegates, the supreme ruling power, and the vote of an assembly of higher authority than the royal instructions. Colonies cannot be subject to a monarchy, and at the same time govern themselves; nor can colonial governors obey their sovereign, and, at the same time, satisfy all the desires of the colonists among whom they reside. Such a government, however, it is asserted, can exist, and it has been authorized by the English ministry. It is supported by its friends, therefore, both on grounds of practicability, and the positive assurances of the ministry. As regards the latter point, we can only say, that we have met with no state paper that promises the remodelling of Colonial affairs on this basis. The two celebrated despatches of Lord John Russell, which bear upon the question, are now before us, and we find in one a direct exposition of the views entertained in Downing Street on the scheme of "responsibility," and that the other relates to the tenure of office. Both were written in October, 1839, and are to be examined in connection. The first is addressed to governor-general Thompson, subsequently Lord Sydenham, and not only explicitly and pointedly discountenances a government of this sort, but forbids him to entertain "any proposition on the subject." The second, which was written to Sir John Harvey, lieutenant-governor of New Brunswick, gives the popular voice no power in determining what appointments

shall be made, or revoked. As we read it, its sole aim is, to advise incumbents that offices are no longer to be held for life ; that, whenever removals should be deemed expedient, changes would occur ; and that the governors of the Colonies, instead of being bound to retain the officials bequeathed by their predecessors, as had been the practice, might make selections for themselves, subject to the approval of the sovereign. Among the dignitaries to whom these rules are to be applicable, are the Colonial secretaries, the receiver, surveyor, attorney, and solicitor generals, and members of the Council, especially in the Colonies where the Legislative and Executive Councils are distinct bodies. In the discussions upon these often cited documents, which from time to time have fallen under our observation, nothing has amused us more than the grave and labored efforts of the opponents of "responsibility" to show, that a "responsible government" in the United States has proved an entire failure, and that the published speeches of Mr. Webster and of Mr. Calhoun confess it, and show it most conclusively. How the system — adopted, as we have said — has worked in the Colonies, we have next to consider.

The *coalition* ministry in Canada lasted but little more than a year. Near the close of 1843, every member of Sir Charles Metcalfe's Executive Council, Mr. Daly excepted, resigned his place. Mr. Lafontaine, a gentleman of confessed ability, was considered its head, and the French influence was paramount in it; and hence, we suppose, the cause of its dissolution. The French members of the Assembly, and the Liberals of British origin, acted in concert, and, as they formed a majority of that body, Mr. Lafontaine is alleged to have had entire control of it, and to have been, indeed, a dictator. The points at issue between the governor-general and his advisers, at the time of the rupture, are, perhaps, not certainly known. But it is apparent, we think, that they separated on differences growing out of the "responsibility" principle; that the royal prerogative in the person of Sir Charles, and the popular sentiment in the persons of his councillors, could not be made to work in harmony. It has been said, however, that some of the members were personally offensive to his Excellency, and that this circumstance had an influence in terminating their official relations.

We must here leave the political concerns of Canada, and consider those of Nova Scotia; remarking, as we quit the topic, that the difficulties subsequent to the event last mentioned, show, that, whatever the course of Sir Charles may be for the future, and whatever his hopes from the election, just now terminated, of members of the Assembly, his administration, wise though it be, is almost sure to close in turmoil as great as that which has marked the retirement of nearly every one of his predecessors.

The dissensions in Nova Scotia will occupy but little of our time. Until 1836, it is believed, there was no formal or strenuous opposition to the measures of the representative of the crown, nor any urgent demands for changes of existing and long established institutions. Without a detailed narrative of events which have since occurred, we propose to notice only two or three occurrences of a late date. Between Sir Colin Campbell and the House of Assembly there was a war of some three years' duration, in which the latter manifested great spirit, and arraigned the vicious system under which the government was conducted, in terms which at times were highly disloyal, and even revolutionary. The governor, his advisers, and the chief functionaries of the Colony, unable to stem the current of popular feeling against them, and reluctant to yield to it, maintained their side of the controversy with equal arder, though in much better temper, until the ministry closed it by transferring Sir Colin to the executive chair of another colony. Lord Falkland, the present lieutenant-governor, succeeded him. Among the early efforts of his Lordship to unite parties, and put an end to the heats and animosities which they had occasioned, was the trial of a coalition ministry. Of the Liberals, who were invited to take seats in his Executive Council, were Mr. Howe, the leader of that party, and Mr. Young, the present speaker of the Assembly. The former gentleman is of the family of a Boston royalist, was bred a printer, for some time conducted a newspaper of great influence, and is an able political writer. He had been offered a place under the administration against which he had led the opposition. His acceptance of office now produced the alienation of some of his friends, and bitter attacks from his foes. When, subsequently, the post of collector of excise and impost became vacant by the death of the person who had held it for

half a century, and the emoluments of this collectorship were added to his honors as a cabinet minister, disapprobation was loudly expressed in all quarters. While at the head of opposition, Mr. Howe conducted matters pretty much as he saw fit. In his new position, neither he nor his associates of the same party, though dispensing patronage to friends and opponents, possessed the confidence of either. The government as thus constituted failed to secure a majority of the Assembly, and to effect the passage of its measures. Thus situated, Lord Falkland dissolved that branch, and ordered the election of a new House. Soon after, and within a few days of the withdrawal of the advisers of Sir Charles Metcalfe, Messrs. Howe, McNab, and Uniacke, who held the additional place of solicitor-general, resigned their seats in the Council.

That here, among a people so different from the Canadian population, considered as a whole, the experiment to carry on a "responsible government" failed, may be sufficient proof, that such a system is unsuited to colonists, and cannot succeed among them. The difficulties of uniting and keeping in harmonious action the royal prerogative and the popular will are more apparent than in the case of Canada, because the reasons of secession are better known. In the correspondence between Lord Falkland and the seceders, his Lordship states distinctly, that, from the time of his arrival in the Colony down to the disruption, every appointment to the Executive Council, and all but one to the Legislative Council, as well as the larger portion of the other offices in his gift, had been made under the influence of the party to which these persons were attached, and of which they claimed to be delegates. Though his intention to make Mr. Almon their associate at the Council board was the cause of their resignation, this nomination was the first of which they had expressed disapprobation. The coalition was dissolved, then, upon a question of patronage; the issue having been, whether official distinction should be conferred by certain members of the Council, who were responsible to the Assembly, and through that body to the people, or by Lord Falkland, the representative of the sovereign authority of the realm.

Between the statements of Sir Charles Metcalfe and Mr. Lafontaine there are marked discrepancies, and we have

hesitated to say, therefore, on what exact rock "responsible government" made shipwreck in Canada ; but in Nova Scotia there is no room to doubt, because the parties concur. Assuming that the retiring councillors in both Colonies acted on the same principles and maintained the same pretensions, we perceive that they in fact struck at the very foundation of the system under which they live. The *royal prerogative* was not attacked in the thirteen Colonies till a late period in the dispute, and the fountain of patronage was left to flow freely until *subjects* resolved to become *citizens*.

Lord Falkland, in his opening speech to the legislature, in February, 1844, adverted to the policy which he had pursued, and the customary address was moved in answer to it ; whereupon a most angry debate followed for fourteen days, in which Mr. Howe and his friends went over the grounds of difficulty, and attempted to justify their conduct. The amendment they proposed was rejected, every member being present, and the House of Assembly in a body waited on the governor to present the answer in its original form. The Hibernia steamer arrived at the capital while this debate was pending, and brought Lord Falkland a despatch approving of his course in the trial to which he had been subjected, and confirming the nomination of Mr. Almon. It is understood, that a negotiation was opened for the return of Mr. Howe and his colleagues to the Council, but that no satisfactory terms could be arranged, and it was broken off. However this may be, these gentlemen continued in active opposition, and the session closed with the Liberal party re-organized under them, and the presses under their influence in full operation against the administration which they had abandoned. The present Assembly is regarded as unusually able, and among its members has several adroit and practised speakers, both Conservative and Liberal. What measures of attack have been matured by the latter during the recess, our readers are likely soon to know through the ordinary channels of intelligence. When certainty is so soon to follow speculation, conjecture were idle ; still, we cannot but believe, that agitation in Nova Scotia is to be continued and increased. One thing we may venture to say is nearly certain, that storm or calm depends much on the leading Liberal whose name we have so often mentioned.

The politics of New Brunswick have attracted but little attention. Sir Howard Douglas, appointed lieutenant-governor in 1824, had a long and tolerably quiet and popular administration. His successor, Sir Archibald Campbell, was compelled to encounter opposition of a formidable character, and to meet many of the questions which we considered when speaking of the Canadas. Here, however, it should be remarked, excitement has never been intense among the mass of the people, and during the periods of active warfare between opposing politicians, they have remained almost passive spectators, participating seldom in the heat of party strifes, except on the dissolution of assemblies, and during the elections which have followed. Although, then, the disposal of the "casual" revenue, and the responsibility of the Executive or Privy Council, have been subjects of discussion, and at times of fierce dispute between the Assembly and the officers of the crown, general and abiding divisions have not existed as elsewhere. On the matter of the "casual" revenue, Sir Archibald and the elective branch of the legislature came to an open rupture. Having been instructed to surrender this portion of the public receipts, he deferred compliance, and advised the ministry of his reasons. The Assembly, being displeased and impatient, addressed the throne, and a committee of that body waited on the governor, and apprized him of the fact. His reply was too pithy and dignified to be omitted.

"Gentlemen," said he, "the conscientious rectitude of my own conduct has made the subject of this address to me a matter of the most perfect indifference. I have had the honor of serving his Majesty for nearly half a century, in almost every quarter of the globe; and I trust those services have been such as to suffer no diminution in the estimation of my sovereign from any representation that may be made by the House of Assembly of New Brunswick."

Our limits forbid further notice of the differences in Sir Archibald's time, and we hasten to that of Sir John Harvey, who succeeded him in 1837. Sir John's career was a stormy one. He had warm friends and bitter foes. That our readers may judge of the nature of the attack and defence, we quote from a debate in the Assembly in 1842. We select this particular speech, because it was delivered

by the honorable Speaker of the House, a gentleman of high consideration, and reputed to possess great wealth, and because it affords proof, that political ferocity and personal invective can be practised among those who object to our institutions on account of their supposed tendency to produce these evils. The Speaker, in the course of his remarks, is reported to have said,

“That Sir John Harvey’s name had been unnecessarily brought into the debate, and much had been said respecting the grant to him of £1500 for a service of plate, and which a certain faction had made use of to create excitement in the country, and make impressions unfavorable to the character of that distinguished gentleman ; and he could not, as his name had been so frequently used in discussing this question, avoid alluding to another grant made at the last session, — the contingent grant of £1000. Sir John had scarcely left Fredericton, and, as Mr. S. believed, had not yet embarked at St. John, when it became publicly known, that all that fund had been expended. By whom this was communicated we have no means of knowing ; but, said he, it is notorious that the enemies of Sir John Harvey circulated through the Province, by their emissaries, the most foul, false, and slanderous reports, for the purpose of injuring the private character of that honest, high-minded, liberal, and distinguished officer. He was by these slanderers charged with having appropriated the grant for contingencies, or a large part of it, to his own private use, and thus committing a fraud upon the public revenue. He had often indignantly seen the conduct of some of those already alluded to, those cringing, creeping, fawning, hypocritical sycophants, who would go to Sir John Harvey, and by declarations of devoted friendship for him, and of approval of his measures, impose upon his noble, honest, and unsuspecting disposition, and by such means — he (Sir John) supposing that they were like himself, honorable and above deception — obtain favors of which they were wholly undeserving ; and in return, they were found on all occasions, by the most malignant and slanderous means, endeavouring to injure him in his public reputation, and to wound his private character. He now distinctly declared, without fear of contradiction, that *not one penny* of the contingent grant was appropriated to the private use of Sir John ; and he pronounced those who asserted that he had so appropriated any part of it to be slanderers of the most base and malignant stamp. He said he had not language fully to express the abhorrence which every honest man would naturally feel at the base conduct of those slanderers. Had Sir

John Harvey remained in this Province, these wretches might have had the miserable palliation of unprincipled men, *that they had a political object to gain* ; but to continue such villanous attacks after he had left the Province, and when no object could have existed but the gratification of the most deadly malice, was a degree of atrocity seldom, if ever, witnessed in a Christian country. But, said he, Mr. Chairman, Sir John Harvey is far above the reach of their malice ; his character stands too high to be injured by such slanderers, in the mind of any honest man. He has attained an elevation of character which they can never reach ; they may look up, and, like *the rich man and Lazarus*, they may behold afar off, — but there is a great gulf between him and them, which they can never pass."

Since the adjustment of the question of "casual" revenue in New Brunswick, on the basis of yielding it to the direction of the Assembly, if they would grant a reasonable civil list, the question of "responsible government" has received some attention, and considerable use was made of the phrase during the election for the Assembly in 1842. Some of the candidates, however, avowed their ignorance of what it was, and desired to be enlightened. At present, several subjects of interest are before the people of this Colony. Of these, we may mention that of the removal of the seat of government from Fredericton, in the interior, to St. John, on the seaboard ; the settlement of the boundary line with Canada ; the reduction of salaries ; and the embarrassed condition of the Colonial finances. As regards the boundary, we had hoped that this well-nigh interminable question was disposed of ; but there are indications that it is to become a bone of contention between the authorities of the two Colonies. Canada claims to extend to the vicinity of that somewhat celebrated spot in diplomacy, "Mars Hill" ; while New Brunswick has had the jurisdiction as far as those very remarkable "highlands," which his Majesty of the Netherlands so easily found in the bed of a river, and to that very *well* ascertained point, the "northwest angle of Nova Scotia." The distinction between rivers flowing into the Atlantic from those falling into the Bay of Fundy is a point which, we hope, will *now* be made quite clear. Besides these topics, a reconstruction of the Legislative Council is demanded in some quarters, on the ground, that all religious sects should be represented in it ; its present members, with

two exceptions, being Episcopalians. A change is required, also, on account of inequalities in other respects. Thus, some counties have an undue share of members,* while five are not represented at all; and a majority of the Council, and especially of those who attend the sessions, hold other and important offices, at the pleasure of the crown.

In closing our remarks, we would bear cheerful testimony to the uniform kindness of feeling manifested by our neighbours of New Brunswick towards the citizens of the republic whose homes are on the frontiers. "Predatory excursions across the border," said they, during the war of 1812, "will do nothing to adjust the differences between the two nations; and we will refrain from them." In the "Aroostook troubles," the government of Maine deemed it wise to station an armed force at Calais; but the subjects of her Majesty on the opposite side still came among their old friends, and could hardly have been driven to commence acts of aggression. More recently, when the principal town on the American side of the Passamaquoddy was swept by a conflagration, the inhabitants of St. John made up a liberal contribution — the only one that was offered — for the relief of the sufferers.

We enter now upon a brief exposition of some causes of disaffection, not hitherto noticed in our inquiries. These are many. Some exist in one Colony, some in another, and others are common to all. It is alleged by a numerous party in New Brunswick, that the salaries of the judges, the Colonial secretary, the clerk of the Supreme Court, and other dignitaries, as well as the emoluments of the principal city officers of St. John, are far too great; and the same charge is preferred against the receipts of several of the high personages of Nova Scotia. In the latter Colony, the inequality of representation in the House of Assembly is forcibly presented, as a matter demanding immediate correction; while in both, the calls upon the mother country to adopt their construction of the treaty of 1818, which defines our rights of fishing on their coasts, are loud and incessant. In

*A small town, until the recent death of one person, had three members, or a sixth part of the whole number. It still has two, who are both sons of Massachusetts Loyalists; and the deceased councillor's wife was the daughter of another, who sold that obnoxious article, "*tea*," in Dock Square, Boston. The fathers and father-in-law were proscribed and banished.

the former, complaints are made, also, of misapplication of the school fund, and a case is cited in which one favored family received the allowance assigned to a whole precinct. In Nova Scotia, there rages a heated contest for the endowment of sectarian colleges. In Upper Canada, religious zeal is evinced in another form ; and, as our fathers at the revolutionary era apprehended that Episcopacy was to overshadow them, so, here, the recent creation and endowment of more than fifty rectories has awakened the same fear, and given utterance to a similar animated protest on the part of the dissenting sects. The Colonists everywhere complain, that they are not allowed to impose differential duties in order to protect their interests from foreign competition ; and they consider it a grievance, that the imperial tariff acts, framed for "an empire upon which the sun never sets,"* should provide for the regulation of their commerce with other countries. When James Otis and Patrick Henry caused the startling cry of "Treason ! Treason !" to ring through the legislative halls of the two mother Colonies of America, the opinion had not been repeatedly expressed, that "six hundred men, who, perhaps, have never been out of Europe, cannot possess that universality of information, which must be necessary to regulate the unbounded commerce and foster the illimitable resources of every race of men on the face of the globe" ; or, still farther, that "the uncompromising assertion and unwise exercise of this power of *commercial regulation* will awaken a spirit of abhorrence for Great Britain among her Colonies, that will shake the empire to its centre." It was late in the controversy with "the thirteen," that the right of "commercial regulation" was denied. Between this right, and that of external and internal taxation, it was maintained that there was a difference ; but a distinction so subtle, we confess, has ever eluded our grasp. We will only say in addition, that, though, in theory,

* This beautiful thought is used in a variety of forms, and as if it were of recent origin. The honor of its conception, originally, belongs to an early period. That well known personage, "*Captaine John Smith, sometimes Governour of Virginia and Admirall of New England,*" in his "*Advertisements for the Inexperienced, or the Pathway to erect a Plantation,*" published in 1631, says, "I could wish every Englishman to carry alwaies this Motto in his heart ; why should the brave Spanish souldiers brag, *The Sunne never sets in the Spanish dominions, but ever shineth on one part or other we have conquered for our King ?*"

the home government has always claimed the power to regulate commerce, many of the Colonial legislatures have long since passed tariff laws discriminating in favor of their own industry, and that no serious effort has been made to prohibit local legislation on the subject until quite lately. It is an embarrassing question, whenever opened. No way to answer it could be found in 1776, that would satisfy all parties ; and subsequently, the sisterhood of States found no plan so likely to end the dissensions which sprang up, after those with their common parent had closed, as that of placing their commercial interests in the keeping of a federal head.

It is urged, that Colonial ships are denied the rank to which they are entitled, and that other prejudices excited against them do their owners no little harm. As by the rules "at Lloyd's," and elsewhere among underwriters in England, vessels "plantation-built" are seldom rated as "A. 1" ; and as this rank, when obtained, is lost by age in a few years, this class of ships are generally kept out of the best employments, and many of them, cast off by John, find their way, with a sagacity quite remarkable, to Jonathan's cotton ports. Since the peace of 1815, upwards of six thousand vessels, of more than three quarters of a million of tons, have been built in British America ; and it is believed, that the number of these employed in the China, East India, Cape, and Australian trades has been small, though a very considerable portion of the aggregate tonnage has been sold in the British Isles. This state of things has been displeasing to the Colonists concerned in shipping ; while, on the other side of the ocean, British merchants and artisans, to guard their interests still more effectually, actually desire to impose restrictions upon Colonial navigation entering at the home ports.

Besides the exciting subjects of contention, of which we have spoken, in Lower Canada, we might enumerate several others. We select two, though both arose mainly from one cause, — the old feudal tenure of lands. First, the French *seigneuries*, intervening between lands free for settlement, have greatly increased the difficulty and cost of making roads, and opening other facilities of transportation between the principal towns and neighbourhoods. The numerous and scattered clergy-reserves have increased the evil. We

remember to have seen it stated in the House of Commons, that, in consequence of these and similar difficulties, no road bill was passed by the Assembly of that Colony for fifteen years. In the second place, these lordships have been the source of great trouble, on account of the peculiar relations which they created between their owners and those who held under them, either as vassals, or by descent. They have been so frequently divided and subdivided, that, in some instances, the parts of owners were exceedingly small. Thus, Canadian newspapers have advertised for sale one thirteen-hundredth, one third of one seventh, and the forty-fourth part of a one two-hundred-and-fortieth, of an estate. It is needless to dwell on the necessity of modifying a system which leads to such complicated results as these ; and it is impossible to wonder, that the population of British origin have so earnestly insisted on having the tenure of real property simplified, and brought within rules which can be clearly understood. These *seigneuries* were grants by the French king to officers of the army, and to such others as had interest enough to procure them. They extended from a place nearly ninety miles below Quebec to about thirty miles above Montreal, and were nearly a hundred in number. Their existence has shut up a large extent of country on the St. Lawrence and its tributaries to the almost irresistible energies of the Saxon race. Englishmen, in the bosom of an English colony, have been treated as aliens and foreigners. All who went thither were promised, in the proclamation to which we have once referred, “ the enjoyment of the benefits of the laws of our realm of England.” Was the royal faith, plighted under the great seal of the kingdom, kept ? Most faithfully, for a while. Why, then, were these laws introduced, and, on the eve of our Revolution, abolished ? In the consultations of ministers, had the one event any connection with the other ? It was hoped, probably, that the restoration of the old system, and the establishment of a religion so abhorrent to the Puritans, would awe New England ; and if the boundaries of Canada were extended along the northern and western lines of Pennsylvania to the Ohio, and thence to the Mississippi, so as to encircle the whole of the disaffected Colonies, it would be seen, that open revolt would bring upon these Colonies a fearful French and Indian warfare along their inland frontier, while the fleets and armies

of the king ravaged their coasts. If they returned to their duty, this immense Colony and these institutions were to be a standing admonition to submission. The thought of "checking their growth," which Franklin rebuked, probably came up again.

Of the pertinency of these speculations our readers will judge. To us they seem not wholly without force. The letters of the Whigs, and their proceedings in Congress, evince great anxiety on the subject of the "Quebec Bill." The extinction of French power had been a favorite plan in the Colonies from the time of William and Mary, and the blood of New England had been shed upon every battleground in French America. We have seen, that a party in England had opposed the retention of Canada after its conquest, on the ground, that its annexation to the British crown would endanger the permanency of British rule, and that Franklin's interposition, and recital of the services and sacrifices of his countrymen in the war with the French, had been effectual. In politics, to open the Canada question anew, even at the expense of the sovereign's honor, may have been a grand movement. But the long train of disasters which have followed should teach politicians, that, in their proceedings, as in the private walks of life, perfidy is never successful. The wrong done by the Quebec Act furnished one of the reasons solemnly submitted to the world to justify the first dismemberment of the British empire; and a continuance of this wrong will hasten the second. But for that, the conquerors and the vanquished would long since have mingled and become one people. It took but a single generation to accomplish this fusion of races on the Mississippi, and it could not have taken three on the St. Lawrence. Lord St. Vincent, at the peace of 1783, predicted, that Canada would be "a running sore and the source of endless expense"; and he advised Lord Shelburne to surrender it. "My clear opinion is," said he, "that, if this fair occasion for giving up Canada is neglected, nothing but difficulty, in either keeping or resigning it, will ever after be known." How exact has been the fulfilment of this prediction! The course of our remarks has led us through many changes of administration, and who, at the head of the colonial office in Downing Street, has appeared exempt from difficulty in managing the Canadas?

The question suggests another topic of complaint, with which we leave this part of our subject. It is charged against the home government, that, instead of enjoying the benefit of the talents and wisdom of the ministry generally, and of the Colonial secretary especially, the weighty interests of British America have been intrusted, for a number of years, to the sole management of Mr. Under-Secretary Stephen. This is said to be the opinion of many of the Colonial governors, of many of the crown officers resident in the Colonies, and of many of the merchants in England connected with their trade. Unseen and irresponsible, he has managed, or mismanaged, every thing. We merely mention the accusation and leave it.

Having stated, as succinctly as we are able, the causes of the dissensions prevalent in the three Colonies, we may now say a few words respecting the different races which people them, and their relations to each other. In Lower Canada, as our readers are well aware, the struggle is between persons of French and British origin, each striving for the mastery. Mr. Pitt seems to have considered the amalgamation of the two as impossible, and to have urged a division of the Colony, in 1791, mainly for this reason. The emigrants from the British isles, it is true, were not very numerous at this time ; but the American Loyalists had gone there by thousands, and they were the class for whom he designed the special favor of a separate government. That the policy was unwise is, we think, sufficiently apparent from what we have said of the act of 1774 ; and that such is now the opinion of the statesmen of England is evident from the recent reunion. The process, so lately undertaken, of mingling into one the French, the American, and the direct British races, it were needless to repeat, might long since have been accomplished. Of the result, upon a trial under existing circumstances, it would be useless to conjecture. While Lower Canada was a separate Colony, the French were generally able to control the elective branch of the government ; and as we understand the basis of representation under the union, they are pretty sure to do so still.

By the line of division established by Mr. Pitt's act, the Loyalists, as a body, were placed by themselves. They were the first settlers of Upper Canada ; nor was it till about the opening of the present century, that any considerable

accessions were made to the population of that Colony from other sources. For twenty years, the country bordering on the Great Lakes was decidedly American. Our expatriated countrymen were generally poor, and some of them were actually without means to provide for their common wants from day to day. The government, for which they had become exiles, was as liberal as they could have asked. It gave them lands, tools, materials for building, and the means of subsistence for two years ; and to each of their children, as they became of age, two hundred acres of land. And besides this, of the offices and patronage created by the organization of a new colonial government they were the chief recipients. The ties of kindred and suffering in a common cause created a strong bond of sympathy between them, and for years they bore the appellation of " United Empire Loyalists."

As we mentioned in our last number some of the places settled by adherents of the crown in Nova Scotia and New Brunswick, we might dispense with particulars here. Still, it may not be amiss to add some general observations. When the revolutionary struggle commenced in Massachusetts, the inhabitants of these two Colonies, then forming but one, were sadly immoral and wretchedly poor. A letter from a Mr. Grant to Dr. Stiles is preserved, in which the writer quaintly says of Halifax, his place of residence, " We have upwards of one hundred licensed houses, and perhaps as many more which retail spirituous liquors without license ; so that the business of one half the town is to sell rum, and of the other half to drink it " ; and from the same source we learn, that on the river St. John, a tract now teeming with thousands of our lineage, the population was only four hundred. Both at Halifax and on the St. John there was a strong feeling in favor of the Whigs. Objections were made to the Loyalists finding a refuge at the former place, while the Colony generally not only furnished some recruits for the patriot cause, but two very respectable men, who came from it, attained the rank of colonels in the American service. Emphatically, then, do we again affirm, that Nova Scotia and New Brunswick, as we have just now seen in the case of Upper Canada, were founded by our errors, and our want of foresight and humanity. And while rebuking the policy of England in her dealings with the Canadians, we

may also remember, that a wiser course on our own part would have given us fewer rival wheat-growers, less Colonial tonnage, and less competition on the fishing-grounds and at the ports of shipment of our great staples.

The structure of society, then, in three of the four Colonies to which our attention has been directed, was originally like our own. Emigration from the United States and from Great Britain, during the last forty years, has produced great changes. The old order of things is passing away. The Loyalists and the new comers are in hostile array against each other. The former received the places of honor and emolument, at the commencement, because there were no others on whom to confer them. They and their kindred and connections by marriage have kept them, through the monarchical rule of perpetuating official rank in families. The latter have now become numerous, and, having practised leaders, they claim participation in the royal favor, and even the entire dispensation of it. Every effort to reconstruct the Legislative and Executive Councils, and to shorten or change the judicial tenure, which we have mentioned, has been designed to lessen or overturn the power of the Loyalists and their adherents. As highly conservative now as they and their fathers were two generations ago, they insist, that nothing shall be altered ; but that, while the Colonial system, as regards commercial and manufacturing rights, has been materially improved for the benefit of the industrious classes, the political influence shall not depart from the "old families." The coalition between them and the "British party," which, in Upper Canada, under Sir Francis Head's administration, threw the Liberals into a minority in his new House of Assembly, was but transient ; and we have shown how short-lived were the coalition ministries of Sir Charles Metcalfe and Lord Falkland, formed of Englishmen, Loyalists, and Liberals. The first was broken up, as appears by Sir Charles's statement, because he would not be ruled by those of the latter party ; and we know certainly, that the second was dissolved because his Lordship put a check upon the hitherto supreme authority of Mr. Howe.

In Lower Canada, the inhabitants of British origin suffer wrong. Their government induced them to settle there, upon the royal promise of a "free system of English laws" ; and

it has been recreant to truth and honor in not fulfilling this engagement. There, Englishmen are striving against Frenchmen ; but elsewhere, the Saxon race is contending against itself. Thus, in Upper Canada, the Liberals are composed of the three branches into which this race is divided ; the disaffected among the Loyalists, the emigrants from the Old World, and persons whose emigration from the United States had no reference to the Revolution. The strength of the party from this latter branch may be seen from the fact, that the Assembly dissolved by Sir Francis Head contained thirteen, or nearly one quarter of the whole number, who were Americans. In Nova Scotia and New Brunswick, there is much the same division ; and the head of the Liberals in the former Colony, as we have already mentioned, is of a Loyalist family. As of the opposition, so of the friends of the administration ; the Conservatives are made up of the same materials, though in dissimilar proportions. Few lately removed from the republic are Conservatives, while still fewer of those who were driven from among us by the civil war are Liberals ; and probably as many of the English, Irish, and Scotch, whose property qualifications give them political privileges, range themselves one side as the other.

In point of number, ability, and influence, the Colonial newspapers ranged on opposite sides may be nearly equal. In Canada, in 1843, the Liberals had about twenty-three, including neutrals, or those which are moderate in opposition ; and the Conservatives, nineteen or twenty. Of these, seventeen of the former description, and fourteen that support the crown, are in what was the Upper Colony. In the other two Colonies, there are not more than twenty-four of both parties. With several of these we are intimately acquainted. The tone and temper of some of them show, that they are under the control of gentlemen, while the manners of others might be sensibly improved. The spirit of the Conservative press, with here and there an exception, is unrelentingly hostile towards us and our institutions. Whenever there appears a paragraph of unusual bitterness, it may safely be attributed to the pen of a Loyalist.

What is to be the issue, — reconciliation or separation ? “ Canada,” said King William, “ is not to be lost, or given away.” That this part, or, indeed, any portion, of British America is to be permanently retained by the crown of

Great Britain, is a matter of great doubt at this time among the public men of all parties in the mother country. At the usual rate of increase, Canada will contain, in twenty years, a population equal to that of the thirteen Colonies in 1776 ; and, while they will be less scattered, they will have no servile race to weaken their strength, and no savages to annoy or terrify them. At the time of the revolt of the United States, none were bold enough to hope that the connection with England could be dissolved peaceably. But with regard to the present British possessions in America, such a hope may reasonably be entertained. As far back as 1828, Mr. Huskisson expressed the wish, that, if Canada was not to remain a dependency, the separation might occur "by amicable arrangement." Two years after, Sir Henry Parnell, member of parliament and chairman of the committee of finance, declared, that his countrymen "derived no commercial advantage from the Colonies, which they might not have without them," and that "the discovery of the real sources of wealth has shown the folly of wasting lives and treasure on colonial possessions." Again, it was said in a quarterly journal, which represented the opinions of a numerous party at that period, "We desire any one to point out a single benefit, of any sort whatsoever, derived by us from the possession of Canada and our other Colonies in North America." And the leading organ of the Conservatives admitted, that "there can be no doubt, that the value to Great Britain of various colonies is materially diminished by the altered circumstances of the world." It admitted further, that, "if the duties protecting the Colonial timber trade were abolished, the North American Colonies would become, *pro tanto*, valueless." The duties on Baltic timber have been much diminished, and, if this reasoning be correct, the partial abandonment of the policy of protecting the transatlantic timber interests has produced the consequences predicted. The same work, the London Quarterly Review, in closing its pungent remarks on Lord Durham's Report, used these words: "We can venture to answer, that every uncontradicted assertion of that volume will be made the excuse of future rebellions, — every unquestioned principle will be hereafter perverted into a gospel of treason ; and that, if that rank and infectious Report does not receive the high, marked, and energetic discountenance and indignation of the

imperial crown and parliament, British America is lost." How many of the principles and recommendations of that "rank and infectious Report" have been adopted since 1839 !

There may be two great objections to parting with domains of such questionable value. The first is an unwillingness to lessen British consequence in the eyes of the world. Feelings of national pride are generally praiseworthy, and only blamable when so far indulged as to cause detriment to the public. But the colonial interests of England have become so multiform and conflicting, that legislation for one class of them is almost sure to prove injurious to another, while a general system which shall apply to all alike is impracticable. There is, therefore, continual complaint from some part of her dominions, and it can hardly be lessened, make what laws she may. The charges of intentional oppression of any branch of colonial industry are idle; and yet the ministry is continually vexed with remonstrances and deputations from aggrieved colonists. They can send no governor, however wisely selected, that will please all the colonial parties. If English gentlemen of any description are to be appointed governors of Canada, Nova Scotia, and New Brunswick, who more unobjectionable in every point of view than Sir Charles Metcalfe, Lord Falkland, and Sir William Colebrooke? The excellent Sir John Sherbrooke expressed his conviction, many years since, that changes should be made in colonial governors as often as once in three years. So great alterations have occurred since he was a colonial ruler, that, on his principles, a gubernatorial term ought not now to endure six months. There can be no satisfaction to British statesmen of any party in governing remote provinces under circumstances like these. British America cannot cost the national treasury less than two millions of dollars annually, which sum is a direct loss; and if it be true, as many Englishmen assert, that the protection of the colonial interests costs the residents in the British isles two or three times that sum in the enhanced price of products which could be obtained cheaper elsewhere, we do not know what reason, other than that of retaining unbroken her chain of influence throughout the world, can induce England to continue her rule in America. Whether, under this state of things, and under the burden of a vast debt and a grievous taxation, it

may be expedient to indulge this noble sentiment of preserving the integrity of dominions once acquired, is a question which her good and great men may be required to decide before another generation shall have passed away. To keep colonies for the mere sake of commercial advantage, or for the sake of vending manufactured goods, is now generally considered an idle thing. Whoever is at all familiar with the documentary history of our revolutionary era has met with bushels of remonstrances and petitions to parliament, all expressing in some form or other an apprehension that home industry would be ruined by a separation of the thirteen Colonies. We will give an instance. The merchants of Bristol were at that time largely concerned in the American trade, and in a most earnest appeal to government to preserve the empire unbroken, they declared, that, were independence acknowledged, their "port would be deserted, and not worth the charge of keeping up." How mistaken! Ten years elapsed, and the same worthy persons had prospered so much, and their trade had become so vast, that they petitioned parliament for leave to enlarge and improve their means of accommodating the ships of the newly born nation! Thus was it generally; and nothing can be more certain, than that Great Britain has gained much more by her trade with the United States since the acknowledgement of their freedom than before. So would it be with the remaining dependencies. How unwise was the policy, that wasted human life and millions of money, and caused enmities and heart-burnings which have not yet ceased, in order to keep us in colonial subjection, when nature's own irresistible laws had brought that subjection to an end! How inexcusable now would be a repetition of the same blunder!

A second reason why a surrender may be objected to is the fear lest these Colonies should unite with us. This unwillingness to do any thing which will add to our power is entirely justifiable. British statesmen are not to be blamed, because they refuse to make their rival great on the ocean, and greater still in the workshop. They are set to guard their own people's welfare, and should be reprobated by all true-hearted men the earth over, if false to this great trust. Our own position is secure, and all the armed ships and armed men of Europe cannot disturb it. The destiny of governing this continent is marked out for the people of the

United States ; and nothing but our own departure from the rule of right can prevent us from accomplishing this high purpose. Jealousy and ill-will on the part either of parent or children is to be heartily rebuked. We should exult, that “the mother of the Gracchi” is able to rule one hemisphere; and she should be equally willing to allow her children to direct the affairs of the other; and mankind should witness no strife between them.

If the Colonists north and east of us desire to separate from the parent stock and unite themselves to one of its branches, they should not be opposed by force. But we believe, that no such desire is common among them. On this point, we ask leave to tell what we deem to be the truth, and the whole of it; frankness is always best, even though unwelcome words are uttered. We believe, then, that there is now much less desire on the part of the British Colonists to join the American union than existed among them twenty or twenty-five years ago, when the old Navigation Act, and some of the laws of trade, which were resisted so manfully at a former period, were yet on the British statute-book. The removal of these restrictions did a vast deal to quiet those who take no share in the wrangles of the political arena; and events among ourselves—the repudiation of honest debts, the frequent violations of law and order, the prevalence of mobs, and other circumstances—have weaned many from their love of the United States. The hope of freedom, of establishing a government of their own, is perhaps increasing. That such a consummation may happen at the proper time, all may wish without offence. It is to this end that all effort should be directed. These Colonies must become a nation by themselves, or form a part of ours. Laws which man cannot alter have fixed a limit to colonial dependence. But let the Colonists bide their hour. Many a daughter has left the maternal home to lie in another, who would gladly return to the mother’s embrace, but for vows thoughtlessly, though indissolubly, made. Those unions are most happy with which all the parties are satisfied; and we are full in the faith, that, before many years elapse, both the head of the family and the elder children will rejoice in the formation of a second American confederacy.

But whatever inclination may exist in the Colonies for

annexation to the United States, we can see no good which will result from it to either party, if it be speedily and hurriedly carried into effect. In the first place, there is no likelihood that the incongruous materials of which the population of British America is composed, torn and distracted as it now is, and as it must be, for some time to come, could be moulded into one homogeneous mass under the wisest plan that could be adopted; and if we could blend and bind together these discordant elements at will, it were better to defer the experiment, till the toil and trouble of fusing into one the mass already in our seething caldron are ended. Again, no great branch of our industry would be benefited by a closer intimacy, and no good derived from it which we may not enjoy without it. We have no need of additional wheat-lands or pine-forests; and if those on whom the duty devolves will but hold Great Britain to the long understood construction of our fishing rights under the convention of 1818, we shall have no use for more extensive fishing-grounds. Of coal we have abundance; and with regard to gypsum, Nova Scotia has never had any other customer, and until we parted with the vantage-ground, by McLane's arrangement, in 1830, we had always taken that bulky article on terms that permitted the use of our own tonnage. Least of all do we wish for increased competition in maritime enterprises. The Colonists can build vessels much cheaper than we can; and should they be allowed a share of our coasting trade, which now employs nearly two thirds of our whole shipping, the consequences would be disastrous to those portions of our people, whose location hardly leaves them liberty to choose any other employment.

In conclusion, we have a word of advice for one of the States most deeply interested in our relations with the British Colonies. Maine, by the treaty of Washington, has obtained a considerable extent of territory inhabited by people of French origin. We pray her to look to their welfare, and to make them part and parcel of her own citizens without delay. They are but a grain of mustard seed now, it is true; but the French, at the time of the conquest of Canada, were only a small part of the population of British America; and what have they become? Let the frontier State, then, be wise in time. Let her afford them the means of improving their husbandry and reconstructing their dwellings. Let

them be instructed in the elementary principles of our political system. And, above all, let their children at once be placed under school teachers who are competent and of pure life, who will teach them the Saxon tongue, and all the branches of education common to her best free schools. Else,

“ Nor happiness
Domestic, mixed of tenderness and care,
Nor moral excellence, nor social bliss,
Nor guardian law were theirs ; nor various skill
To turn the furrow, or to guide the tool
Mechanic.”

ART. V.—*Memoir and Correspondence of MRS. GRANT OF LAGGAN*, Author of “*Letters from the Mountains*,” “*Memoirs of an American Lady*,” &c. Edited by her Son, J. P. GRANT, Esq. 3 vols., small 8vo. London. 1844.

WE shall begin a notice rather of Mrs. Grant herself than of the book just published, by speaking of her as she was in the latter period of her life. In 1820, she met with a severe accident, a fall, which produced permanent lameness, so that ever afterwards she was unable to move about without crutches. In 1827, when she was in her seventy-third year, she lost her only surviving daughter, Mary ; and of a large family of children, but one son, the editor of her posthumous correspondence, remained. Her life had been marked by a peculiar series of domestic sorrows, and seemed to be closing in sadness and infirmity. If, shortly after this time, a well educated traveller from this country had visited Edinburgh, he would probably have been desirous to take a last look of one of whom he might have heard much to excite his respect and interest. He might naturally have expected to find her weighed down by age and affliction, broken in health and spirits. But, notwithstanding her lameness, this impression would soon have been removed in the course of a single visit. He would have seen a most respectable-looking old lady, with a countenance marked by